

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-CR-00112-RJC

USA

v.

ERIKA HOLLAND

---

)  
)  
)  
)  
)  
)

ORDER

**THIS MATTER** is before the Court upon motions of the defendant pro se requesting that the Court modify its sentence. (Doc. Nos. 55, 62).

The defendant seeks an order reducing the sentence to provide for six months' half-way house and six months' home confinement based on medical needs and the desire to find a job to restart her life. Title 18, United States Code, Section 3624(c) allows the Bureau of Prisons (BOP) to place a prisoner in pre-release custody under conditions, including home confinement, for the last portion of her sentence to prepare her for re-entry into the community. The Second Chance Act of 2007, among other things, expanded the allowable time period for pre-release custody from six to twelve months, but limits the time in home confinement to six months. Pub. L. No. 110-199, § 251, 122 Stat. 657, 692-93 (2008). The Act clearly states that it does not alter the BOP's authority to designate the place of the prisoner's imprisonment under 18 U.S.C. § 3621, and prohibits a court from ordering that a sentence be served in a community confinement facility. Id.

Although the Court appreciates the defendant's efforts to improve herself during confinement and her apparent medical needs, it lacks the authority to grant the requested relief, United States v. Evans, 159 F.3d 908, 912 (4th Cir. 1998) (authority to designate place of

confinement vested in BOP), and the difficult circumstances cited by the defendant are not grounds for a sentence reduction by this Court, 18 U.S.C. § 3582(c); Fed. R. Crim. P. 35.

**IT IS, THEREFORE, ORDERED** that the defendant's motions (Doc. Nos. 55, 62) are **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, the United States Attorney, and the United States Marshal.

Signed: October 7, 2013

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

